SINGLE BENCH

(1) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No...../2006

PETITIONER

J.K. Sen S/O Shri B.L.Sen
Aged about 51 years
Occupation Sub Engineer,
Mini Mata Bango Canal Sub Division No.3,
Botalda, Head Quarter Kharsia, District-
Raigarh (C.G.)

P.R. No. 3041/06
Presented by Shri Sinha Dwivedi
dated 23/6/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Principal Secretary
Department of Water Resources
D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

2. State of Chhattisgarh
Through the Principal Secretary
Department of Panchayat and Rural
Development D.K.S. Bhawan, Mantralaya,
Raipur (Chhattisgarh)

OATH COMMISSIONER APARNA MALVIYA CG-2073/96 23/06/06 Bilaspur Chhattisgarh

3. Development Commissioner
Department of Panchayat and Rural
Development Raipur (Chhattisgarh)

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23/6/06

4. Engineer-in-Chief
Water Resources Department
Sihava Bhawan Raipur(Chhattisgarh)

5. Chief Engineer,
Minimata Bango Project,
Department of Water Resources,
Bilaspur, (C.G.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS TO MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-7-2006

W.P.Nos.2921/2006, 2877/2006, 2878/2006, 2879/2006, 2880/2006, 2882/2006, 2906/2006, 2933/2006, 2938/2006, 2940/2006, 2941/2006, 2942/2006, 2960/2006, 2996/2006, 2998/2006, 3000/2006, 3044/2006, 3045/2006, 3079/2006, 3081/2006, 3344/2006, 1563/2006, 3177/2006, 3189/2006, 3205/2006, 3222/2006, 3224/2006, 3225/2006, 3240/2006, 3246/2006, 3417/2006, 3418/2006.

Petitioners by Shri Kanak Tiwari & P.K.C. Tiwary, Sr. Advocates with Shri Shashi Bhushan, Shri Manoj Paranjpe, Shri Jitendra Pali, Shri Vinay Pandey, Shri Sunil Otwani, Shri Gautam Khetrapal, Shri A.K. Prasad, Shri Maneesh Sharma, Shri R.S. Shrivastava, Shri Rakesh Kumar Jha.

State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate for the State.

Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.

Heard.

By these writ petitions, the petitioners, who are Assistant Engineers in Water Resources Department, have challenged the orders dated 12-6-2006 & 24-2-2006, whereby they have been sent on deputation to various other Departments.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

At the outset, Shri Pramod Verma & Shri V.V.S. Murthy made a statement before the Court that if the impugned orders dated 12-6-2006 & 24-2-2006 are quashed in respect of the petitioners who have filed petitions before this Court, they have no objection.

Shri Kanak Tiwari, learned Senior Advocate, submitted that a copy of the affidavit along with Minutes of Meeting dated 6-7-2006 has been filed, therefore, there is every apprehension that the respondents may pass orders under that scheme in respect of the petitioners and it will affect the petitioners' interest. Therefore, he wants to file a counter affidavit.

The prayer of learned Senior Advocate Shri Kanak Tiwari cannot be acceded, for the reason that in these writ petitions, the petitioners have questioned the legality and correctness of the orders dated 12-6-2006 & 24-2-2006 and moreover, the so called guidelines prepared vide Minutes dated 6-7-2006 are not the subject matter in these writ petitions and the respondents have not passed any order under those guidelines, so far. As such, the prayer made by Shri Kanak Tiwari is rejected.

In view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the orders dated 12-6-2006 & 24-2-2006 whereby the petitioners, who are working in the Water Resources Department as Assistant Engineers and have been sent on deputation to various other Departments are quashed and their writ petitions are allowed.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma